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COMMITTEE MEETING  
STATE OF CALIFORNIA  
INTEGRATED WASTE MANAGEMENT BOARD  
SPECIAL WASTE COMMITTEE

JOE SERNA, JR., CALEPA BUILDING  
1001 I STREET  
2ND FLOOR  
COASTAL VALLEY HEARING ROOM  
SACRAMENTO, CALIFORNIA

WEDNESDAY, JANUARY 12, 2005  
9:30 A.M.

TIFFANY C. KRAFT, CSR, RPR  
CERTIFIED SHORTHAND REPORTER  
LICENSE NUMBER 12277

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

COMMITTEE MEMBERS

Ms. Cheryl Peace, Chair

Ms. Linda Moulton-Patterson

Mr. Carl Washington

BOARD MEMBERS ALSO PRESENT

Mr. Michael Paparian

Ms. Rosalie Mul

STAFF

Mr. Mark Leary, Executive Director

Ms. Marie Carter, Chief Counsel

Mr. Ashaf Batavia, Staff

Ms. Bonnie Cornwall, Branch Manager, Grants &  
Certification Section I

Mr. Bob Fujii, Supervisor, Tire Remediation & Engineering  
Technical Services

Mr. Steven Hernandez, Supervisor, Used Oil Recycling  
Program

Mr. Jim Lee, Deputy Director

Ms. Selma Lindrud, Committee Secretary

Mr. Don Peri, Staff

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APPEARANCES CONTINUED

ALSO PRESENT

Mr. Michael Blumenthal, Rubber Manufacturing Association

Mr. Jim Hemminger, Rural Counties ESJPA

Mr. Terry Leveille, TL & Associates

Mr. Philip Stolarski, Caltrans

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1 PROCEEDINGS

2 CHAIRPERSON PEACE: Good morning. Welcome to the  
3 Special Waste Committee meeting.

4 Selma, would you please call the roll?

5 SECRETARY LINDRUD: Moulton-Patterson?

6 COMMITTEE MEMBER MOULTON-PATTERSON: Here.

7 SECRETARY LINDRUD: Washington?

8 COMMITTEE MEMBER WASHINGTON: Here.

9 SECRETARY LINDRUD: Peace?

10 CHAIRPERSON PEACE: Here.

11 Thank you.

12 And I'd like to remind everyone to please put  
13 your cell phones and pagers to the silent or meeting mode.  
14 There are agendas on the back table, as well as speaker  
15 slips. If you want to address the Committee on an item,  
16 please bring your speaker slip to Ms. Lindrud, seated  
17 right here in the pink and black jacket.

18 Members, do you have any ex partes?

19 COMMITTEE MEMBER MOULTON-PATTERSON: I'm just  
20 thinking. I just spoke with Yvonne Hunter over breakfast  
21 on just general issues, and that's it. I'm up to date  
22 otherwise.

23 COMMITTEE MEMBER WASHINGTON: I'm up to date.

24 CHAIRPERSON PEACE: I'm also up to date.

25 Before we begin, I have a few comments about the

1 Five-Year Plan Workshop from last week. First, I'd like  
2 to say it was great. Really wonderful to have all of the  
3 Board members attend the workshop. I think it's really  
4 going to make our work much smoother when it comes down to  
5 the final budget for the plan. I suspect the remaining  
6 sticky points will be the Business Assistance Grants or  
7 loans; how much we spend on source reduction, like  
8 promoting tire longevity; and research.

9           One good suggestion I heard that I, too, have  
10 been pushing for since I got here is that every component  
11 of this program should have incorporated into it a way to  
12 measure its effectiveness. We need to require performance  
13 evaluations like every year, three years, five years,  
14 maybe even ten years. And I want to make sure staff knows  
15 I take that very seriously.

16           I said so in the workshop, but I'll repeat it  
17 here, that staff did a great job, a really great job, with  
18 the Five-Year Plan, incorporating and balancing all the  
19 input they've received over the last couple months. It's  
20 a big challenge. So, staff, thank you.

21           I really do wish there was some way we could put  
22 a value on tires on the back end, and having haulers pay  
23 when the tires are delivered to the recycler's operation.  
24 But even with \$30 million that we have and 30 million  
25 tires, it's just not enough money. Plus, it would create

1 even more bureaucracy. So, unfortunately, it looks like  
2 we're stuck with what we've got, unless someone can come  
3 up with a more innovative plan. And we're always open to  
4 any new ideas.

5 So with that, I guess we are ready for the Deputy  
6 Director's report.

7 DEPUTY DIRECTOR LEE: Thank you, Madam Chair, and  
8 good morning, Committee members. Madam Chair, I  
9 appreciate your comments with regard to the Five-Year  
10 Plan. I think we share and endorse many of the positions  
11 that you've espoused. We'll be bringing, when we come  
12 before the Committee on March 3rd, a more complete  
13 Five-Year Plan that includes performance evaluations, a  
14 performance evaluation discussion for each of the  
15 components.

16 Also with regards to upcoming workshops, again,  
17 want to just remind the members in the audience, the  
18 stakeholders, and Committee members about our upcoming  
19 January 24th workshop on the Tire Manifest Plan. We're  
20 going to be looking for various options for revising the  
21 program, per the Board Chair's request.

22 While we're on the subject of upcoming meetings,  
23 I'd like to apprise the Committee about the Used Oil.  
24 We're going to be having a HHWE information exchange  
25 meeting in Southern California in Burbank on January 20th.

1 We hold these, I believe, bimonthly in both Northern and  
2 Southern California where we discuss various items of  
3 interest to the stakeholders with regards to their  
4 household hazardous waste programs.

5           At the January 20th meeting in Burbank, one of  
6 the items on the agenda is a tour of the Burbank recycling  
7 center and MRF, and a presentation on the recycling center  
8 and their inclusion of universal waste collection, which  
9 is going to be something that's obviously going to be  
10 front and center with staff this year in getting -- trying  
11 to get the stakeholders prepared for upcoming deadlines in  
12 January of 2006 for collection and recycling of universal  
13 waste.

14           One of the other items on the agenda for that  
15 particular meeting will also be a presentation on  
16 private-public partnerships with Warner Bros. Studios.  
17 Employees from the studio work with local jurisdictions  
18 with various environmental and community projects. You  
19 might recall that in our recent discussion on the used oil  
20 allocation item we put forth, for the Board's  
21 presentation, our implementation plan. And one of the  
22 components of that plan was to try to forge stronger  
23 public-private relationships, you know, to advance our  
24 initiatives.

25           For those of you that might not be able to make



1 the January 20th meeting in Southern California, there is  
2 going to be another meeting on Wednesday, February 2nd in  
3 Northern California in the city of Hayward.

4 So, Madam Chair, that's all of the items that I  
5 have for discussion as part of my Deputy Director's  
6 report. We're prepared to move into the agenda.

7 CHAIRPERSON PEACE: When we talk about universal  
8 waste, can you explain to everyone what universal waste  
9 includes, fluorescent tubes, batteries. What else is  
10 thrown in there under universal waste?

11 DEPUTY DIRECTOR LEE: Well, universal wastes are  
12 a subset of household hazardous waste. Probably one of  
13 the largest things that's in that particular group now are  
14 the fluorescent light tubes. There are some other  
15 components, you know -- Bonnie, can you help me out with  
16 some other things that fall under that designation?

17 BRANCH MANAGER CORNWALL: Bonnie Cornwall,  
18 Supervisor with the program.

19 I think one of the notions with u-waste in  
20 characterizing them as universal waste as opposed to  
21 hazardous waste has to do with the handling and the costs  
22 of handling and disposing them. So there are many items  
23 that are more common household items that you're dealing  
24 with, things that people would have around -- things that  
25 contain mercury, the thermometers, some of the other

1 electronic devices that aren't included in our SB 20, SB  
2 50.

3           This is actually an area that we're thinking of  
4 bringing forth a discussion item to the Board to talk more  
5 thoroughly about u-waste and what kind of programs are  
6 going on in the different communities. So if that's  
7 something that you think will be of value, we can look to  
8 scheduling that. I see Bendan nodding back there, so I  
9 assume -- so we'd like to bring that forth to you and  
10 really provide more discussion on that.

11           CHAIRPERSON PEACE: Thank you.

12           Ready to begin.

13           DEPUTY DIRECTOR LEE: Thank you, Madam Chair.

14           Committee Item B is Consideration of the Scoring  
15 Criteria and Evaluation Process for the Household  
16 Hazardous Waste Program, 14th Cycle, Fiscal Year  
17 2005-2006.

18           We've passed out some proposed revisions to that  
19 item, which speaks to proposed eligibility criteria  
20 relative to the recycled content policy. So we will  
21 discuss these proposed revisions in detail in our staff  
22 presentation.

23           Ashaf Batavia will initiate the discussion, and  
24 be followed by some further discussions on some policy  
25 implications by Bonnie Cornwall.

1           (Thereupon an overhead presentation was  
2           presented as follows.)

3           MR. BATAVIA: Good morning, Madam Chair and  
4 Committee members. Today, I will be presenting the agenda  
5 item for Consideration of the Scoring Criteria and  
6 Evaluation Process for the Household Hazardous Waste Grant  
7 14th Cycle for 2005-2006.

8                               --o0o--

9           MR. BATAVIA: California cities, counties, and  
10 local agencies, including Indian reservations and  
11 rancherias, that recognize themselves as local agencies  
12 with responsibility for HHW management are eligible to  
13 apply for this grant cycle. AB 3348 requires that funding  
14 be focused on rural areas, small cities, underserved  
15 populations, and regional programs. In response to these  
16 statutory priorities, staff recommends that the Board's  
17 decision be based on the highest scoring applicants using  
18 the Board-approved criteria, regardless of location.

19                              --o0o--

20           MR. BATAVIA: Board staff recommends allocating  
21 \$4.5 million for the IWMA account for this grant cycle.  
22 \$4.5 million is equal to the amount of funding provided  
23 last year, which was an increase from previous cycles due  
24 to the continued high demand for grant funds. Staff  
25 proposes that a single jurisdiction can request up to

1 \$200,000, and regional applicants covering more than one  
2 city and/or county can request up to \$300,000. In  
3 addition, there is \$200,000 set aside this grant cycle for  
4 recycled certification projects.

5 --o0o--

6 BRANCH MANAGER CORNWALL: Bonnie Cornwall.

7 Why set aside funding for a special paint  
8 initiative? Paint is the largest by volume component of  
9 household hazardous waste, and about 40 percent of the  
10 waste stream collected at our centers. Leftover paint  
11 costs the state about \$9 million alone to process at these  
12 facilities.

13 Product Stewardship Institute partnerships have  
14 been a hallmark of work done here at the Board. We  
15 pursued partnership in the area of carpeting, e-waste is  
16 the most recent, and paint is a third of the initiatives  
17 to be tackled nationwide by this group, which represents a  
18 partnership between governments and industry to achieve  
19 solutions for managing this waste.

20 Again, this partnership -- the paint dialogue has  
21 moved forward to look at a variety of projects and  
22 programs --

23 --o0o--

24 BRANCH MANAGER CORNWALL: -- that would help to  
25 provide information to lead to national solutions. There

1 have been eleven projects that have been agreed upon by  
2 this group nationally. And the notion was to find a home  
3 or support for each one of these projects. California,  
4 with your recommendation and approval of this grant cycle,  
5 looks to support the certification system for recycled  
6 paint.

7 --o0o--

8 BRANCH MANAGER CORNWALL: This project will  
9 establish a system to assure the content and performance  
10 standards for recycled paint, giving some measure of a  
11 guarantee of quality. In particular, we saw this as an  
12 important project for California because of some of the  
13 concerns and challenges we've had in working with state  
14 agencies on adopting and using recycled paint, and there  
15 have been some concerns about quality. So we think that  
16 not only will this pilot project promote the initiative at  
17 a national level, but will help us address some concerns  
18 right here in the state.

19 --o0o--

20 MR. BATAVIA: Okay. For this grant cycle, all  
21 jurisdictions regardless of having previously awarded  
22 grants, are eligible to apply. The discretionary program  
23 criteria for this cycle includes new or expanded HHW  
24 programs for the building of permanent infrastructures,  
25 HHW facilities expansion to accommodate electronic waste,

1 universal waste, and universal waste electronic devices or  
2 pilot U.S. programs.

3 --o0o--

4 MR. BATAVIA: Due to Board comments on the  
5 October 2003 discussion item, staff added language under  
6 the budget section to address cost effectiveness and  
7 increase the number of points an applicant receives for  
8 submitting a cost effective proposal. In order to receive  
9 the points, applicants will need to address the cost  
10 effectiveness of the project, in addition to quantity,  
11 location, source, and type of waste to be collected. They  
12 should also list any cost savings derived from volunteers,  
13 in-kind services, recycling options, and use of existing  
14 promotional materials.

15 --o0o--

16 MR. BATAVIA: Proposals must obtain a minimum of  
17 80 percent of the general criteria points to be eligible  
18 to receive any program criteria points. This will help to  
19 ensure that we are only funding the most qualified  
20 applicants. Applicants will then need to receive 70 total  
21 points out of a possible 100 points to be considered for  
22 funding. In the event that there is insufficient funding  
23 for all qualified applicants, the highest ranked proposals  
24 will have funding priority.

25 --o0o--

1           MR. BATAVIA: Staff also requests an exemption  
2 from the permit checklist requirement and geographic  
3 distribution of funds for the HD14 based on the following  
4 considerations.

5           Number one, this grant program is available  
6 exclusively to public entities who have been exempted from  
7 this requirement in other instances.

8           Number two, the grantees are contractually  
9 obliged, as set forth in the grant agreement boilerplate,  
10 to comply with all applicable laws, ordinances,  
11 regulations, and permits. Staff recommends against  
12 splitting the award proportionately according to the  
13 state's north and south population due to uneven  
14 distribution of eligible applicants.

15           BRANCH MANAGER CORNWALL: We're also suggesting  
16 as a pilot a different approach to looking at the recycled  
17 content and environmentally-preferable purchasing  
18 procurement policies. We propose this as a pilot for this  
19 cycle. We believe that there can be applicability across  
20 all Board programs. But, of course, we are not  
21 recommending that. That's up for the Board to decide if  
22 that's a direction it wishes to pursue.

23           What we're proposing is a different way of  
24 looking at the RCP and helping us to move forward. With  
25 the Board embracing the zero waste concept, it seemed

1   apropos to raise the profile on the importance of the EPP  
2   and green procurement.

3               We just talked about the scoring process and how,  
4   initially, applicants are scored on the general criteria  
5   related to their programs. And if they pass a threshold,  
6   they advance and are given priority points for particular  
7   projects and emphasis that the Board would like to see.  
8   Currently, we evaluate their procurement policies as part  
9   of the general criteria where we evaluate the strength of  
10  their program that they're proposing.

11              From our point of view, when we look at the green  
12  procurement policies of a jurisdiction, it doesn't have as  
13  much to do with their ability to implement, in this case a  
14  household hazardous waste program, but more their  
15  commitment as a jurisdiction as they move along this  
16  pathway towards zero waste. And, thus, we think it's  
17  appropriate to suggest that we review again on a  
18  threshold, with a variety of points available, how far  
19  have they moved forward toward that zero waste concept  
20  with their procurement policies.

21              For the last number of years, I believe four  
22  years, we've been evaluating that as part of the general  
23  criteria. So jurisdictions have been submitting a  
24  checklist which indicates, yes, they have a policy and  
25  what kind of actions they've been taking in all grants



1 across the board, whether they be for schools, local  
2 governments, or small businesses. They've been doing this  
3 for the past number of years. And the same tool that  
4 we've been using to evaluate that would simply be used at  
5 the beginning of the cycle, and we would review their  
6 policies and their programs in terms of what they  
7 indicated they're doing.

8 --o0o--

9 BRANCH MANAGER CORNWALL: There are four  
10 categories that are currently evaluated related to do they  
11 have a policy or not, and then the demonstration of that  
12 policy through the actions they've taken in procurement,  
13 their practices, and their efforts to evaluate the  
14 program. What we're suggesting is that -- as we've been  
15 doing, there's been a range of 15 points available. We're  
16 suggesting that a jurisdiction reach the 10 points of  
17 those, and I'm going to put up the scoring sheet for you  
18 to see what that looks like.

19 --o0o--

20 BRANCH MANAGER CORNWALL: As you see on the top  
21 section, there's a question about do you have a policy or  
22 not, and when it was adopted. And they're able to get  
23 four points for that.

24 In the next section, do they have the practices?  
25 And there's a checklist of a variety of things they can

1 check off whether or not they've implemented those  
2 particular activities, which are an indication of whether  
3 or not they're really implementing their policy. We're  
4 proposing that for each check box there they receive one  
5 point.

6           The next section relates to the practices. Again  
7 these relate to things like energy efficiency, use of  
8 renewable energy, grasscycling, a variety of other  
9 practices. And if they are doing things other than what's  
10 listed, we ask them to note those as well.

11           The final section asks them to evaluate their  
12 programs and policies, how they've been doing, what they  
13 would change. We're setting the threshold at 10 points,  
14 such that a jurisdiction, to pass this eligibility test,  
15 would only need 10 of those points. And, thus, if they  
16 were doing four practices, they had  
17 environmentally-preferable purchasing in four areas and  
18 they provided some honest self-assessment, they would  
19 pass, even if they didn't have a policy in place. So we  
20 believe that this is a gentle way to raise the visibility  
21 of the importance of this practice to the Board as we move  
22 towards zero waste.

23           COMMITTEE MEMBER WASHINGTON: Madam Chair.

24           With all this information, has any of this been  
25 brought to the stakeholders or the local government?

1 Because I know that Yvonne Hunter and the CSAC --

2 BRANCH MANAGER CORNWALL: League of California  
3 Cities.

4 COMMITTEE MEMBER WASHINGTON: Exactly. They have  
5 all raised concerns about this. My question is, have you  
6 sat down with them and went through this prior to us  
7 adopting all this information that is coming forward? Has  
8 there been any outreach done to inform them these are some  
9 of the changes we're looking to make? Are we just going  
10 to throw this on them and say, you know, now you have to  
11 abide by these new procedures?

12 DEPUTY DIRECTOR LEE: Mr. Washington, there  
13 haven't been any explicit meetings we've held with the  
14 stakeholders on this. But I think, as Bonnie has  
15 mentioned, the criteria sheet is almost word for word what  
16 normally appears in the scoring criteria. All we're doing  
17 is basically instead of making that kind of a back-end  
18 consideration, we're making it a front-end consideration.

19 If I could, sir, I'd like to make this point so  
20 that it's clear to the Committee. At the threshold level  
21 that we're proposing, 10 out of the 15, we've analyzed  
22 what the impact -- if that policy had been in place the  
23 last two cycles, what the impact would have been. I think  
24 we estimated it was between 95 and 96 percent of the  
25 applicants would have passed if we had had this as an

1 eligibility criteria in the past two cycles.

2           So, you know, we don't feel this is an undue  
3 burden that we're placing upon them. This is kind of a  
4 way for -- we are bringing it to their attention by  
5 proposing it as a pilot program in this program only where  
6 the program has been historically oversubscribed and where  
7 past information would suggest that there's going to be  
8 little impact at the threshold level that we're talking  
9 about here.

10           COMMITTEE MEMBER WASHINGTON: And I guess my only  
11 concern is that -- I have absolutely no problem with all  
12 you said. I just wish there was a way you could have had  
13 a workshop with these individuals, so everybody could have  
14 been on the same page. And then we wouldn't have to  
15 receive the opposition from those folks saying, "Wow.  
16 Give us a chance to figure this stuff out first. Hold  
17 on." And that's pretty much where I'm at. Maybe we  
18 should have held off on this and allowed this to go to the  
19 second or the next cycle when we're ready to do this  
20 program. That was my only concern.

21           And you're right. We probably would have still  
22 got the same responses. It's just I don't think we gave  
23 them the opportunity. And now they're concerned as to  
24 what is happening here and what would this mean, even  
25 though you guys probably have it absolutely correct that,

1 you know, 95 percent of the folks will still pass. It's  
2 just the other 5 percent who would have the argument  
3 saying, "Man, you should have told us what you were going  
4 to do prior to doing this." That was my concern.

5 DEPUTY DIRECTOR LEE: Thank you, Mr. Washington.

6 And one other thing I'd like to bring to the  
7 Committee's attention is the issue on RCB eligibility, or  
8 leaving it as a part of the scoring criteria, was  
9 discussed by the Board back in June. And there was  
10 disparate opinions among the Board members, you know. But  
11 Special Waste Division staff, you know, did receive  
12 direction again that it could be reconsidered on a case by  
13 case example. We've chosen a grant cycle where, again, we  
14 feel the impact is minimum, where we feel most of the  
15 applicants are already knowledgeable about recycled  
16 content practices, and basically appreciate, you know, the  
17 emphasis on this particular part of the program.

18 So, again, we don't think it's going to be an  
19 undue burden on them. And there has been a notice of  
20 sorts that has been provided that the Board has been at  
21 least considering, you know, a change in this situation.

22 And also, again, just for the record I want to  
23 point out while we do feel this eligibility criteria is  
24 something that does have applicability across all the  
25 Board's programs, you know, we want to make sure it's

1 understood we're only proposing this as a pilot program  
2 for this particular grant cycle. Just as there was  
3 disparate opinions amongst some of the Board members when  
4 this item was discussed in June.

5           There are other programs within the Board at the  
6 staff level, particularly in the Permitting and  
7 Enforcement arena with Farm and Ranch, where there's been  
8 internal discussions about whether or not eligibility is  
9 the way we want to go for that. But as is all so often  
10 the case, since the Special Waste Division has the  
11 majority of the grant programs, we've often been asked to  
12 take the lead, if you will, in several of these areas. We  
13 thought this was something that would have general  
14 applicability and it was worthy bringing to the  
15 Committee's attention for reconsideration.

16           COMMITTEE MEMBER WASHINGTON: And certainly. Let  
17 me tell you -- and then I'll be done, Madam Chair.

18           I certainly agree with you. I definitely believe  
19 it was worthy. But, again, when they raise statutory  
20 responsibility and things of that nature, then I do think  
21 we ought to give our stakeholders the benefit of the  
22 doubt.

23           And I certainly wouldn't think it would hurt to  
24 have some workshops before we did this and allow them to  
25 have input in some of these areas and the Committee and

1 the Board. I'm just one person. If the Board wants to  
2 continue to go forward -- but I do believe the public and  
3 the stakeholders should have some input on some of these  
4 issues before we make it a requirement.

5 Because I know that the CRP wasn't a requirement  
6 in the last cycle; right? These are the type of things  
7 that we have to make sure that we're careful of. And,  
8 again, I agree. And I think you guys did a fantastic job.  
9 I'm just saying we should have had some hearings and some  
10 meetings on this prior to us taking some steps and moving  
11 forward with it. That's all. That was just my concern.

12 BRANCH MANAGER CORNWALL: Just to clarify. They  
13 were scored on this in the last cycle and have been on  
14 every cycle at the Board for the last four years. We're  
15 using the same tool to evaluate their performance, which  
16 is why we have data. We're not just hypothetically saying  
17 we think 95 percent would pass. We know for a fact that  
18 on HD 12 cycle every single entity would have been  
19 eligible. And on the HD 13, only one entity, one  
20 jurisdiction out of 40-some, would not have passed at that  
21 point in time. And that was well over a year ago.

22 So I think from our perspective, we're not really  
23 springing it on them. I think what Ms. Hunter's concerns  
24 raise is that the jurisdictions have really not been aware  
25 how this has been impacting them thus far, and they have

1 been evaluated on their procurement policies in the  
2 context of how well they could implement a program.

3 COMMITTEE MEMBER MOULTON-PATTERSON: Thank you,  
4 Madam Chair.

5 I couldn't agree with Mr. Washington more. At  
6 this point, though, I think, Mr. Leary, it's very  
7 important that -- you know, we have made a lot of changes  
8 in the grants across the board. And I think that we need  
9 to hold a workshop very soon in the beginning of the first  
10 of the year for all of our stakeholders, including CSAC  
11 and League of Cities, and really go over all the changes  
12 to the grants so everybody at least knows. I'm not saying  
13 we need total input from them before we make a change.  
14 But at least where they know and if there are strong  
15 objections or if it doesn't work, we can take it up again.  
16 I think that's what Mr. Washington's saying also.

17 So I'd really like to see that. I don't know if  
18 I need to bring it up at a Board meeting or what, but I  
19 think it would just be really important to go over, across  
20 the board, the grants. And as Mr. Lee says, I know  
21 Special Waste has the lion's share. But I just think,  
22 across the board, we need to go over any changes and make  
23 it as friendly as we possibly can.

24 CHAIRPERSON PEACE: I don't know if we need one  
25 workshop, because all the grants and stuff are so



1 different. With this one here, I think we can notify the  
2 grantees by -- didn't you say you have bimonthly household  
3 hazardous waste conferences.

4 DEPUTY DIRECTOR LEE: Yes, that is true, Madam  
5 Chair.

6 CHAIRPERSON PEACE: You can put it up there and  
7 explain it to them at those conferences?

8 DEPUTY DIRECTOR LEE: We certainly can do that.

9 CHAIRPERSON PEACE: I guess the only thing I am  
10 concerned about is that even though almost everybody would  
11 have passed anyway, that we should give the locals more  
12 notice on this.

13 The other thing that concerns me is that there's  
14 a total of 15 points, and four of them are if your  
15 governing body has a policy. So if your governing body  
16 doesn't have a policy, all of a sudden there's 11 points  
17 and you need now 10 with the revision to qualify. That  
18 means you have to get almost every other single point to  
19 qualify, like I said, even though most of them would  
20 qualify anyway.

21 So I think what I would like to see is not to  
22 really have this as a pilot project, but to go ahead and  
23 do this grant cycle the same way we've basically done it  
24 in the past and put them on notice this time that next  
25 time it's going to be this way. That it will be an

1 eligibility requirement next time. We give them the  
2 sheet. This is what we have to follow. And when you have  
3 your bimonthly household hazardous waste conference in the  
4 north and south, bring that up and make them aware this is  
5 what's going to happen next grant cycle.

6 DEPUTY DIRECTOR LEE: I understand, Madam Chair.  
7 We will make those changes, and I will propose we'll come  
8 back at the full Board meeting with a revised item here  
9 that reflects ruling it out conventionally, you know, with  
10 the RCP discussed as part of the scoring criteria, as  
11 opposed to eligibility criteria. And we will -- at the  
12 subsequent HHW meetings, we will bring it to the attention  
13 of the stakeholders that this is something for the next  
14 grant cycle that will be a consideration making it an  
15 eligibility criteria.

16 CHAIRPERSON PEACE: I think we do need to raise  
17 the importance of the EPP policy. This is a way to do it,  
18 and this is -- for this particular grant, it does make  
19 sense.

20 BRANCH MANAGER CORNWALL: Because we wanted to  
21 cover the waterfront on this one, we've provided you with  
22 an alternative in your packet of how we would propose to  
23 do it based on the way we did it last year. And you'll  
24 note that it's the attachment that has the section on RCP  
25 shaded in. So this is what we would propose as the

1 alternate criteria for this cycle. It's kind of in the  
2 middle of the packet. Sort of near the back, I think. I  
3 can bring it up.

4 CHAIRPERSON PEACE: It's the new scoring  
5 criteria?

6 BRANCH MANAGER CORNWALL: The title says,  
7 "Revised," with RCP up in the header as a doublecheck.

8 CHAIRPERSON PEACE: I guess -- I'm sorry. I'm  
9 not seeing that.

10 COMMITTEE MEMBER WASHINGTON: Come up here.

11 COMMITTEE MEMBER MOULTON-PATTERSON: While she's  
12 coming up, if I might finish.

13 I still want to see, Mr. Leary, us having  
14 something that explains to cities and counties all our  
15 grants. I don't care, you know, how we do it. But I  
16 think, having been on a City Council, you know, sometimes  
17 I think we get tunnel vision up here. We spend all our  
18 time on these. Cities have a million things to pay  
19 attention to. And I think it's really important that we  
20 have something to go over all of these in this new year.  
21 I really do. I think our stakeholders, especially League  
22 of Cities and CSAC, are crying out for this. And I'd like  
23 to see it done. I don't want to get so into the details  
24 that we forget this.

25 DEPUTY DIRECTOR LEE: Madam Chair, if I may

1 respond to Board Member Moulton-Patterson.

2 I concur wholeheartedly. I think with your  
3 assistance over the last couple of years we've had grant  
4 training throughout the jurisdictions. I think that was a  
5 successful effort when it happened, but now it's probably  
6 12 months, 18 months old. It's probably time to get out  
7 there and foster a better understanding of our grant  
8 programs among the local jurisdictions, and we can  
9 certainly do that. I just wanted to give positive  
10 reinforcement that I hear you and we'll implement.

11 COMMITTEE MEMBER MOULTON-PATTERSON: I appreciate  
12 that.

13 DEPUTY DIRECTOR LEE: Madam Chair, in looking at  
14 the scoring sheet, does that reflect the Committee's  
15 wishes with regards to RCP issue as a scoring criteria? I  
16 guess I'm still trying to provide the Committee the option  
17 of giving it a thumbs up or thumbs down now and then the  
18 option of putting this on consent for --

19 COMMITTEE MEMBER WASHINGTON: Mr. Lee, this is  
20 the way you have been doing it the last four years?

21 DEPUTY DIRECTOR LEE: That's correct.

22 CHAIRPERSON PEACE: And you'll be able to put  
23 them on notice -- you said the new stuff, this is the way  
24 it's going to be next time, and that you'll explain that  
25 to them in the upcoming conferences. And we can still put

1 this on consent with that change?

2 BRANCH MANAGER CORNWALL: Let me suggest in our  
3 recommendation following that -- and Marie, tell me if  
4 I've interpreted this correctly. We asked the Board to  
5 adopt Option 2, which is to approve the proposed scoring  
6 criteria and evaluation process with specific revisions  
7 which are incorporated in that attachment and adopt  
8 Resolution 2005-28.

9 CHIEF COUNSEL CARTER: That would be correct.

10 CHAIRPERSON PEACE: So we'll need to say -28  
11 revised?

12 BRANCH MANAGER CORNWALL: No. The specific  
13 revisions include this revised scoring criteria. So that  
14 will be entered into BODS. So we will ask you to adopt  
15 Option 2.

16 COMMITTEE MEMBER MOULTON-PATTERSON: Before I  
17 vote, I'd like to hear from our Board members.

18 CHAIRPERSON PEACE: Ms. Mulé.

19 BOARD MEMBER MULÉ: Thank you, Madam Chair and  
20 Committee members. Good morning, Rosalie Mulé, your  
21 fellow Board member. I just want to say a few words about  
22 this.

23 First of all, thank you for all of your comments,  
24 Linda, Carl, and Cheryl. I personally wholeheartedly  
25 agree that we need to put this out to our stakeholders for

1 review and consideration prior to changing anything from a  
2 scoring criteria to an eligibility criteria. They are two  
3 very different things and very distinct things. So I  
4 thank you for your consideration of that.

5 I don't know if you had an opportunity to read  
6 Ms. Hunter's e-mail, but it was presented very well and  
7 very succinctly and very clear to me that this Board does  
8 not have -- I'll just read it for you.

9 "The Board has no statutory authority to use  
10 procurement policies and practices to determine  
11 eligibility for Household Hazardous Waste Grants.  
12 If this is something the Board wishes to pursue,  
13 it should sponsor legislation."

14 So I think it's fairly clear to me -- and we can  
15 go over this with Legal, but I think we really need to  
16 understand what we have statutory authority over and not.

17 So, again, I just want to conclude and thank you  
18 for all of your comments and your support. And I do think  
19 that this needs to go to the full Board for consideration.  
20 Thank you.

21 CHAIRPERSON PEACE: Okay. Thank you.

22 And, Marie, would you like to respond to that?  
23 Because I believe we do have the legal authority. I hate  
24 to think we don't have the legal authority to require  
25 people to have an environmentally-preferable purchasing

1 policy.

2 CHIEF COUNSEL CARTER: We have two separate types  
3 of grants. One is the entitlement grants, the Block  
4 Grants, and the LEA grants and discretionary grants. It  
5 is the Legal Office's opinion for the discretionary  
6 grants, particularly those that are oversubscribed, the  
7 Board has the authority to impose certain, of course,  
8 reasonable conditions, and certainly those that are in  
9 furtherance of its general mission. This mission, of  
10 course, is zero waste. So with that, we believe that  
11 there is authority.

12 CHAIRPERSON PEACE: Thank you.

13 Mr. Paparian.

14 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.  
15 Just one little thing.

16 In terms of the characterization of what would  
17 happen next year, if we're going to have some discussions  
18 with some of the stakeholders, what I would urge is we  
19 don't tell them this is the way it's going to be next  
20 year. Rather, indicate that we are, you know, very  
21 serious about considering this as a pilot project and we  
22 want to solicit input on that, rather than telling them  
23 this is the way -- this is locked in exactly the way it's  
24 going to be.

25 I'm open to trying it after some discussions if

1 it would raise the comfort level and perhaps make some  
2 changes to it. But I think we have to also be open to  
3 the -- things may come forward that suggest it should be  
4 done in a much different way or continue to be done in the  
5 way you're suggesting for this year's grant cycle.

6 CHAIRPERSON PEACE: Thank you.

7 You know, we do want to raise the importance of  
8 the EPP's policy. This particular grant program is  
9 oversubscribed, so we won't be giving away any less money.  
10 And like staff said, almost everyone is still going to  
11 qualify for this grant. So I don't think we have to worry  
12 about people not qualifying for this or not being able to  
13 get the money out the door. In fact, we want to raise the  
14 importance and let people know we're serious about  
15 requiring them to have a recycled purchasing policy.

16 You know, I am perfectly fine with telling them  
17 this is the way it's going to be. We have ample  
18 opportunity to tell them over the year this is the way  
19 it's going to be. We're going to have conferences. We  
20 have conferences every two months to talk about household  
21 hazardous waste and the different things that are coming  
22 up. And we have the opportunity to tell them at that  
23 point. So I guess it's still my preference that we go  
24 ahead and do it like we've done in the past this cycle,  
25 but let them know for the next cycle that we will be



1 having the EPP policy as an eligibility requirement.

2 COMMITTEE MEMBER MOULTON-PATTERSON: Madam Chair,  
3 I think since we've heard from two of our Board members, I  
4 think it would be prudent on our part to take this to the  
5 full Board, if you're in concurrence.

6 CHAIRPERSON PEACE: Does anybody else have  
7 anything to say? I guess we will then go ahead and move  
8 this item to the full Board.

9 DEPUTY DIRECTOR LEE: Thank you, Madam Chair.

10 Item C is Consideration of Modifying Grant  
11 Processes for the Used Oil Grant Block Program to Enhance  
12 Program Efficiency. Don Peri will make the staff  
13 presentation.

14 (Thereupon an overhead presentation was  
15 presented as follows.)

16 MR. PERI: Good morning, Madam Chair and  
17 Committee members. My name is Don Peri. I will be  
18 presenting Item C, Consideration of Modifying Grant  
19 Processes for the Used Oil Block Grant Program to Enhance  
20 Program Efficiency.

21 At last month's Board meeting, the Board approved  
22 on consent Agenda Item 35, which included consideration of  
23 proposals to increase available resources for the Used Oil  
24 funds.

25 --o0o--

1           MR. PERI: The agenda item we are presenting  
2 today brings back to the Board for formal consideration  
3 one of the staff's recommendations from the December Board  
4 item to eliminate advance payments and reimbursements as a  
5 method of payment for the Used Oil Recycling Program Block  
6 Grants, except for case-by-case exemptions related to  
7 financial hardship and for small grantees or regionals  
8 receiving \$20,000 for less.

9           This item also includes another staff  
10 recommendation to establish a 90-day grace period for  
11 grantees to submit all information required in the August  
12 15th Block Grant annual reports. Eligibility for  
13 subsequent grants would be linked to the timely submission  
14 and approval of the annual reports.

15                               --o0o--

16           MR. PERI: We'd like to address each item  
17 separately. One of the driving forces behind the staff's  
18 recommendations regarding the method of distributing Block  
19 Grant funds has been the consistent concern expressed over  
20 the years by the Department of Finance auditors towards  
21 advances of any kind. DOF looks very unfavorably on  
22 advances, except in rare instances. So the program's  
23 blanket advances have been particularly onerous to the  
24 auditors.

25           As stated in the item, DOF has stated in fund

1 audits to the Board dated July 2000, January 2002, and as  
2 recently as this last August that "advancing funds to  
3 grantees diminishes the effectiveness of the Board's  
4 management oversight, results in lost interest to the  
5 State, and increases the risk of funds being used for  
6 unauthorized purposes."

7           Staff recognizes that financial hardship may  
8 necessitate exemptions to a change in payment method, and  
9 staff anticipates addressing exemption requests on a case  
10 by case basis. An example of a financial hardship  
11 resulting from the absence of an advance might be that due  
12 to a lack of funding for staffing, the Oil Recycling  
13 Program in a local jurisdiction would be discontinued  
14 because no one would be able to assume the  
15 responsibilities. It would be incumbent upon the grantee  
16 to demonstrate this need to staff and to obtain program  
17 approval.

18           In response to feedback, small jurisdictions with  
19 grant awards of 20,000 or less with regional programs  
20 would retain the advance payment option. It's important  
21 to keep in mind that grantees will still continue to  
22 receive 100 percent of the grants awarded. They wouldn't  
23 receive extra funds, which is what the interest amounts  
24 to.

25           This year the funds for the competitive grant

1 cycles, the nonprofit and research and development grants,  
2 totals 2.26 million, which is less than half of the 5.1  
3 million that was available in fiscal year 2000-2001. And  
4 funds for statewide education and outreach at 752,000 this  
5 year is nearly one-third of the 2.19 million available in  
6 2000-2001.

7           We estimate that interest on the \$10 million for  
8 Block Grants at the current low interest rates could  
9 generate between 100- and \$200,000 a year, depending on  
10 the frequency of reimbursements paid and the exemptions  
11 allowed for advances. Block Grants are for three cycles,  
12 so overlapping the years of interest could substantially  
13 affect the funds available for competitive grants and for  
14 statewide outreach and education.

15           Reverting to reimbursements will give grant  
16 managers greater control over how grant funds are spent by  
17 grantees, thus ensuring that the program maximizes the  
18 effectiveness of its grant dollars. Placing controls on  
19 Block Grant advances should result in more a effective  
20 system of accounting and administrative control, promote  
21 financially sound practices, and provide reliable  
22 financial information.

23 --o0o--

24 MR. PERI: This ties in directly with the second  
25 part of our agenda item, which is to create a 90-day grace

1 period from August 15th to November 15th for grantees to  
2 submit completed annual reports that are approved by the  
3 grant managers.

4 COMMITTEE MEMBER WASHINGTON: Don, before you get  
5 into the annual report, I have a couple of questions for  
6 you.

7 How long has this Block Grant been in existence?

8 MR. PERI: We're now working on the 11th cycle,  
9 so there's been 11 years.

10 COMMITTEE MEMBER WASHINGTON: Eleven. In eleven  
11 years, you guys finally concluded that giving these folks  
12 90 percent of the money wasn't in the best interest? How  
13 did you come to that conclusion?

14 DEPUTY DIRECTOR LEE: Let me respond to that, Mr.  
15 Washington. Initially, when the program was first rolled  
16 out, it was on a reimbursement basis. Then I want to  
17 think somewhere around Block Grant 6, you know, the Board  
18 at the time, because there was concern about moneys being  
19 swept, you know, out of special funds to support general  
20 fund purposes, the decision was made that we wanted to get  
21 the money on the street as quickly as possible. And so  
22 the determination was made to roll it out as an advance,  
23 and that's what we've been doing for the last three  
24 years -- this is now four years.

25 The problem has been that it's created some

1 problems. You know, the grantees, a large percentage of  
2 them, don't like having to track and account for that  
3 money separately. And then from the staff's perspective,  
4 it creates administrative problems on, you know, basically  
5 tracking it on this end as well.

6 And then as we discussed as part of our used oil  
7 allocation item, the situation, you know, with the fund  
8 condition is such that, you know, we can use all the money  
9 that we can in the program, you know, as opposed to  
10 putting it out on the street as an advance.

11 So for those reasons, that's why we're asking the  
12 Board to reconsider the policy that was made three or four  
13 years ago.

14 COMMITTEE MEMBER WASHINGTON: By the way, I agree  
15 with this. It's just I wanted to find out how can we wait  
16 so long to get to this point to where -- I mean, I was  
17 blown when I saw we gave them 90 percent of their grants.  
18 That was just outrageous to me that we would give someone  
19 that much money. They get the other 10 percent on the  
20 back end. That was really shocking to me to see that  
21 after the eleventh year, the third-year process, you know,  
22 I just wondered if anything happened to where we said,  
23 "Whoa, wait a minute."

24 And I heard some of the presentation where the  
25 misuse of funds. And, again, this is some mechanisms to

1 kind of keep ahold on where our resources are going. I  
2 was just wondering why it took so long for us to get to  
3 where we are today. These are a lot of things I'm talking  
4 about with our loans and all these other programs we have.

5 I think, again, this is the same area we should  
6 be looking at as across the board, as  
7 Ms. Moulton-Patterson talked about, as it relates to, you  
8 know, making our stakeholders aware of the changes of our  
9 policies. These are some of the things we need to be  
10 doing across the board likewise as it relates to our  
11 programs where we have loans and grants and things of that  
12 nature. This is putting a tight hold on things. This is  
13 really, you know, making sure that we know where our  
14 resources are going and people are using them for what  
15 they say they're using them for. That's all I've been  
16 trying to say all the time. So I really appreciate you  
17 guys getting to this point. I just wish you had got there  
18 earlier so you could have kept ahold on some of the  
19 resources that are out there.

20 MR. PERI: I think when this first came up, this  
21 idea of the advances, I was at a Used Oil Conference where  
22 there was applause from the audience when they heard we  
23 were going to do this. And over the period of time, we've  
24 heard more and more comments from grantees about tracking  
25 interest and all the problems they've had with that. And

1 it's taken us time to recognize this is as big a problem  
2 as it is. And plus what Jim said about the diminishing  
3 funds. So there's a lot of things that have come  
4 together. It seems like it's been a long time, but it's  
5 actually taken a few years for us to see how our grantees  
6 have responded and our own concerns about the fiscal  
7 responsibility.

8           On the second item, staff is conscientiously  
9 adopting the recommendations of a Cal Poly study, which is  
10 the comprehensive assessment of California's Used Oil  
11 Program to make the Used Oil Program as efficient and  
12 effective as possible. As stated in the item, one of the  
13 report's recommendations to, "adopt the 90-day grace  
14 period for Block Grant reporting similar to the time  
15 allowed for the return of grant agreements and to strictly  
16 enforce this reporting requirement. Grantees who do not  
17 turn in satisfactory reports within that time period  
18 should lose eligibility for the subsequent Block Grants  
19 based on poor performance." DOF has also addressed this  
20 concern as outlined in the item. So we have a lot of  
21 support from outside sources for tightening up on our  
22 grant reporting.

23           The response to our agenda item has been --

24           COMMITTEE MEMBER WASHINGTON: Can I ask you a  
25 question about that one, too, Don? And I'm just trying to



1 get this out of the way so when you guys finish we can  
2 move on.

3 So right now if the grantee -- if someone  
4 receives this grant, that means if they don't meet their  
5 reporting period, they can still receive another grant,  
6 even though they haven't finished sharing the first  
7 report; is that correct? Am I understanding this right?

8 MR. PERI: The way it's been in the past or --

9 COMMITTEE MEMBER WASHINGTON: Yeah.

10 MR. PERI: Yeah. In some cases, we have grantees  
11 that owe us reports for the last two or three years.

12 COMMITTEE MEMBER WASHINGTON: My question to you  
13 again is what took so long to get to this point to  
14 understand that we shouldn't give somebody another grant  
15 if they haven't completed the first process?

16 SUPERVISOR HERNANDEZ: Steven Hernandez,  
17 Supervisor to the program.

18 Mr. Washington, from the staff standpoint, we've  
19 been very, I should say, sensitive to working with the  
20 grantees to give them every opportunity to implement their  
21 programs. What it turns out on the flip side in doing  
22 that is we burn up a lot of time, staff time to work with  
23 them and constantly try to track down these late reports  
24 to the point it's impacted our ability to spend staff time  
25 on doing other evaluation of the program that we feel is

1 very important.

2           So with this, you know, we are putting notice out  
3 that we really want to take our outside assessments to  
4 heart here and work to integrate into the program. It's  
5 also consistent I think with the direction that the Board  
6 has established. And we also are depending -- or having  
7 the grantees return their grant agreements within 90 days.  
8 So this is consistent with that practice.

9           COMMITTEE MEMBER WASHINGTON: And I agree with  
10 you on this one, too. Here's what I'm trying to  
11 understand. I want to know if something had happened in  
12 the process to where these grantees in their annual  
13 reports -- you know, when I looked at your item, I said,  
14 "Wow. Why would they even consider giving somebody  
15 another grant, or how do they become eligible if they  
16 haven't finished giving us our first report?" We don't  
17 know if they've been successful. We don't know what  
18 happened in the grant process.

19           So I'm just trying to understand how you guys  
20 just got to the point -- which I totally agree with you  
21 on. I just want to understand how we get there to make  
22 sure we don't have these problems in other grants and  
23 programs that are out there. That's all.

24           DEPUTY DIRECTOR LEE: Mr. Washington, let me make  
25 a little finer point on this. In the past, under existing

1 Board policy, the grantees would be denied their grant  
2 funds for the next cycle if they didn't submit their  
3 reports. However, what has traditionally happened is the  
4 report is due August 15th. We've had applicants that  
5 basically, you know, take up until the spring of the  
6 following year to get their reports in right before the  
7 decision was made in the past -- we come to the Board  
8 usually in June or July for the next cycle. We would have  
9 procrastination right up until the last minute from  
10 grantees getting their reports out for one reason or the  
11 other. So they would get them in before the final  
12 deadline, but only after eight or nine months of cajoling  
13 and haranguing in some instances from staff --

14 COMMITTEE MEMBER WASHINGTON: That makes more  
15 sense.

16 DEPUTY DIRECTOR LEE: -- trying to get them to  
17 comply.

18 So what we're basically trying to do is tighten  
19 this up. And as we discussed in the previous item, to put  
20 them on notice that we can't tolerate this complacency.  
21 You know, we need the annual report. It is part -- you  
22 know, you have to comply in order to get the funding for  
23 the next cycle. We don't feel it's an unreasonable  
24 burden. We understand this is an entitlement program, but  
25 still, there are responsibilities that the grantee must

1   comply with.

2               COMMITTEE MEMBER WASHINGTON:   Thank you.   Sorry.

3   Go ahead, Steve.

4               MR. PERI:   I was just going to conclude with  
5   response to this agenda item has generally been positive.  
6   I think Bonnie Cornwall mentioned at the last meeting the  
7   last -- at our HHWE meeting in November when this was  
8   announced in the Bay Area that we were going to revert  
9   back to the reimbursement program, it was met with  
10   applause.   And when we mentioned this in Southern  
11   California, we didn't have any serious objections to it.

12              And we have addressed the issue of financial  
13   hardship, which was one of the concerns raised by some.  
14   So we feel pretty confident that these are both  
15   worthwhile.

16              So in conclusion, we recommend that the Board  
17   approve Option 1a, which is to eliminate the current  
18   advance payment option, except for the exemptions that we  
19   mentioned, and 2a, which is to approve the 90-day grace  
20   period for submitting reports.

21              That concludes my presentation.   Any other  
22   questions?

23              CHAIRPERSON PEACE:   If there are no other  
24   questions, we have a speaker, Jim Hemminger.

25              MR. HEMMINGER:   Thank you very much, Chair and

1 Committee members. My name is Jim Hemminger. I represent  
2 the Rural Counties Environmental Services Joint Powers  
3 Authority.

4 I did want to send a letter to the Board. We do  
5 certainly support this item. Certainly concur with the  
6 efforts to preclude procrastination, and we'll work with  
7 our counties to try to get the reports in on time. And we  
8 understand and support pulling back on the advances for a  
9 lot of the grants.

10 However, I did -- after the Board meeting in  
11 December where this was discussed, many of our counties  
12 did indicate that they would have difficulty maintaining  
13 and pursuing their programs without the advances. As you  
14 may know, several of our counties are teetering on the  
15 brink of bankruptcy right now, and others of our counties  
16 have small regional agencies that they formed so they  
17 don't have the county coffers, if you will, to draw upon  
18 advances to fund the programs.

19 We did meet and very much appreciated the help  
20 from Steve and also from Bonnie that the resolution, I  
21 guess, has been changed to indicate that there's still  
22 availability of advance funds for financial hardships and  
23 for grants over \$20,000. Collectively dealing with DOF  
24 concerns, these small grants represent I think like 6 or 7  
25 percent of the total grant money, so there's minimal loss

1 of interest, if you will, to the other programs.

2 I did also -- a lot of our counties and small  
3 cities qualify for the minimum, the \$5,000. And that's  
4 very much appreciated. They've done great with it. Even  
5 with reduced reporting requirements, there is still admin  
6 time associated with grants. So a lot of the counties or  
7 cities have gotten together to do collective grants on a  
8 regional level even within their jurisdiction or actually  
9 through the ESJPA. Collectively, the totals of some of  
10 those grants may be five \$5,000 grants, which would be  
11 25,000.

12 So I would like to suggest -- I believe there's a  
13 revised agenda that was given to the Board that does  
14 establish \$20,000 as still eligible for advance payments.  
15 But if there can also be worded so if the individual -- if  
16 there are five \$5,000 grants, the regional jurisdiction  
17 would still be eligible for the advance funding.  
18 Otherwise, this would effectively discourage those  
19 jurisdictions from joining together, because individually  
20 they'd qualify, but as a regional group, they would exceed  
21 the threshold.

22 Is there questions? I'm not sure if I was clear.

23 DEPUTY DIRECTOR LEE: If you would explain --  
24 right now the resolution has been revised. If you get  
25 less than 20,000, you can still preserve the option for

1 getting an advance. I missed the point of your last  
2 comment about the \$5,000 threshold.

3 MR. HEMMINGER: I'm sorry. Let me clarify. For  
4 example, the ESJPA administers Block Grants for Alpine  
5 County, Sierra County, some of our smaller counties.  
6 Collectively, the grant total exceeds 20,000, but they're  
7 a composite of small grants, all of which are under 5- or  
8 \$10,000. And I guess maybe it's a question that if this  
9 exemption would also apply to the collectivity of regional  
10 programs that are comprised of small grants.

11 SUPERVISOR HERNANDEZ: Right. Staff's intent is  
12 that small aggregated communities, if it goes over the  
13 \$20,000 in total, would be exempted also. Individually,  
14 it's \$20,000 or less. The same ones that would receive  
15 the \$20,000 or less on an aggregated basis if it went over  
16 20,000, we'd be all right with that.

17 MR. HEMMINGER: Thank you.

18 If I could add one thing maybe to counterpose a  
19 little bit on the previous discussion. I think there was  
20 an excellent example. A lot of my counties gave  
21 correspondence to Waste Board staff. I certainly heard  
22 from a lot of my counties. And, frankly, this was an  
23 excellent example of Steve and Bonnie really trying to  
24 work with my counties to work through this to come up with  
25 something that was helpful. So I do want to acknowledge

1   them and say thank you to your staff.

2               CHAIRPERSON PEACE:   In the resolution where it  
3   was changed, there's an extra "and" there.

4               But aside from that, I just wanted to make sure  
5   that where it says "advance payment option for Used Oil  
6   Grants over \$20,000," is that made clear anywhere that  
7   that still means we're reimbursing the grantees for actual  
8   expenditures?

9               SUPERVISOR HERNANDEZ:   The resolution -- I agree  
10   with the striking the "and."   It should be for \$20,000 and  
11   less, not over.

12              But as I said, the aggregate amount the  
13   individual grantees were to receive \$20,000 or less  
14   aggregated could go over to \$20,000.   But, individually,  
15   \$20,000 or less would be the threshold.

16              DEPUTY DIRECTOR LEE:   Do you follow that, Madam  
17   Chair?   In other words, the revised resolution we gave  
18   you, there was an inadvertent error discussion over  
19   \$20,000.   The reference should be under 20,000 or less.  
20   And then furthermore, pursuant to the discussion this  
21   afternoon, we proposed adding to that line to say that the  
22   option would still be available for those grants that are  
23   aggregated that have -- how do we want that to read,  
24   Steve?

25              SUPERVISOR HERNANDEZ:   Used Oil Block Grants of



1 20,000 or less.

2 DEPUTY DIRECTOR LEE: And grants that are --

3 SUPERVISOR HERNANDEZ: Aggregated -- individual  
4 grants which are 20,000 or less aggregated may exceed --  
5 I'll work with Legal on that.

6 DEPUTY DIRECTOR LEE: The intent would be, Madam  
7 Chair, to allow grantees that come together that  
8 individually are receiving grants less than 20,000, if  
9 they aggregate, you know, to coordinate their programs,  
10 the intent would be not to -- still allow the aggregated  
11 total to receive the option for the advance payment to  
12 accommodate the suggestions that Mr. Hemminger just  
13 raised.

14 CHAIRPERSON PEACE: So you'll work with Legal on  
15 that then, on that resolution to make that clear?

16 DEPUTY DIRECTOR LEE: Yes, Madam Chair.

17 CHAIRPERSON PEACE: Also, is it clear? Do we  
18 need to say that we're not only with the \$20,000 or less,  
19 but that we'll be reimbursing grantees on actual  
20 expenditures? Do you think that's clear enough in the  
21 resolution?

22 CHIEF COUNSEL CARTER: At this point in time, I  
23 think it is clear enough since our practice is the  
24 advancement. And this would continue, except for the  
25 exceptions that are carved out in this resolution. But we

1 will make certain when we work with Program that this is  
2 clear. And in the event we feel as though it could be  
3 made a little bit finer, we will do that on the revise.

4 CHAIRPERSON PEACE: Okay. Do we have any other  
5 questions? Do we have a motion?

6 COMMITTEE MEMBER MOULTON-PATTERSON: I'd like to  
7 move Resolution 2005-29 and --

8 CHAIRPERSON PEACE: With the changes.

9 COMMITTEE MEMBER MOULTON-PATTERSON: With all the  
10 changes.

11 COMMITTEE MEMBER WASHINGTON: Second.

12 CHAIRPERSON PEACE: Call the roll.

13 SECRETARY LINDRUD: Moulton-Patterson?

14 COMMITTEE MEMBER MOULTON-PATTERSON: Aye.

15 SECRETARY LINDRUD: Washington?

16 COMMITTEE MEMBER WASHINGTON: Aye.

17 SECRETARY LINDRUD: Peace?

18 CHAIRPERSON PEACE: Aye.

19 Okay. Since this is not a fiscal item and we all  
20 seem to be in agreement, I would go ahead and put this on  
21 consent, unless there's any objections.

22 DEPUTY DIRECTOR LEE: Thank you, Madam Chair.

23 Item E is an Oral Report from California  
24 Department of Transportation on the Activities of  
25 Contracts IWM-C0207 and IWM-C3022. I believe Bob Fujii

1 will introduce the item and then introduce our Caltrans  
2 representative.

3 SUPERVISOR FUJII: Good morning, Madam Chair,  
4 members of the Committee.

5 This item is an update of the status of the  
6 Caltrans interagency agreement, two contracts. One that  
7 we had previously with them and work that was being done  
8 under that contract, IWM-C0207. And then also our current  
9 agreement with Caltrans, which deals with RAC uses and  
10 recycling, gives us -- Phil Stolarski of the flexible  
11 pavement section will be giving us an update of both of  
12 these contracts, where work has been done, and then work  
13 that will be done in the near term. So with that, Phil  
14 Stolarski.

15 (Thereupon an overhead presentation was  
16 presented as follows.)

17 MR. STOLARSKI: Good morning, Madam Chair and  
18 Board members. Phil Stolarski. I'll be giving two  
19 reports. As Bob mentioned, the first one is going to be  
20 Firebaugh.

21 --o0o--

22 MR. STOLARSKI: Just to give you a little  
23 location where it is. It's about 30 minutes from Fresno  
24 in Fresno County on State Route 33. This is the first  
25 interagency agreement contract we'll be talking about. It

1 was a \$600,000 grant to place different test sections of  
2 different types of rubber.

3 --o0o--

4 MR. STOLARSKI: The objective was to evaluate  
5 three of the rubber AC processes: The wet process, with  
6 asphalt rubber binder; terminal blend; dry process. And  
7 are these processes equivalent? If not, what are the  
8 limitations for use of each? And quantify the performance  
9 in field studies.

10 --o0o--

11 MR. STOLARSKI: Just as a background, we put  
12 down -- and there's a further slide on some of the  
13 thicknesses. The conventional, we put it full thickness,  
14 almost three-and-a-half inches, which normally we don't  
15 use it that thick. But we wanted to test these different  
16 rubber sections versus the conventional. We also have the  
17 half thickness, which we, through research in prior years,  
18 proved that you can use half thickness of RAC versus  
19 conventional. The reason we did that is we wanted to see  
20 if the RAC placed in two or more inches has a problem with  
21 rutting, because that's what the theory is saying. We  
22 wanted to prove that in an in situ test site.

23 So our deliverables are a construction testing  
24 report. Once again, we have completed in June of 2004 the  
25 test sites. And then we also have performance testing

1 reports at one, three, and five years.

2 --o0o--

3 MR. STOLARSKI: Here is the Firebaugh test sites,  
4 the locations. Once again, we had the wet process, the  
5 dry, the terminal blend, and then we had a conventional AC  
6 control section. All the test sections were placed by the  
7 same contractor, Granite. We picked a project that  
8 already had the conventional RAC gap graded test design in  
9 it. We modified that contract through a change order  
10 process so we can put down these other test sections.

11 --o0o--

12 MR. STOLARSKI: Here's some of the  
13 pre-construction typical distress. This was a very good  
14 location for this project. It's a rural roadway. It had  
15 your typical cracking, alligator cracking, and rutting.  
16 And rubber is a good -- rubber AC is a good rehab strategy  
17 for this location.

18 --o0o--

19 MR. STOLARSKI: Here's the construction of the  
20 test sites. Once again, all the three different types are  
21 carried out just like a conventional AC, with the  
22 exception of the sanding released. We had to sand the  
23 section before releasing the traffic, because with rubber  
24 AC pavements, if we don't sand, rubber tires will pick up  
25 the pavement. The shuttlebuggy is a giant holding tank

1 for the asphalt concrete that keeps it hot and provides  
2 some remixing before the lay down. You can see it's being  
3 rolled for compaction. We did lots of sampling and  
4 testing. We did a lot of cores in our lab. The lab that  
5 I manage in Sacramento has all the test cores for further  
6 evaluation, which is part of -- going to be the  
7 performance tests.

8 --o0o--

9 MR. STOLARSKI: Here's the post-construction.  
10 You can see that RAC G gap graded in the upper right-hand  
11 corner, my right-hand corner. You can see the difference  
12 between the modified binder gap graded to the left and the  
13 modified binder dense grade. You can see the line where  
14 it stops and finishes based upon the gradation of the  
15 aggregate used. That's why you see the differences.

16 --o0o--

17 MR. STOLARSKI: And just also as a note that the  
18 rubber was all 15 percent rubber in all cases. The ASTM  
19 definition for rubber, we used 15 percent.

20 So what have we learned so far? We've learned  
21 all three processes can be used within the same hot mixed  
22 asphalt plant. We know that the wet process requires  
23 a blending unit at the plants. The dry requires the plant  
24 modification for the crumb rubber to be placed with the  
25 aggregate. And the terminal blend comes premixed so no

1 modification is required. All the processes were paved  
2 the same. And currently right now, all processes are  
3 performing well.

4 CHAIRPERSON PEACE: When were these processes  
5 paved?

6 MR. STOLARSKI: They were paved, Madam Chair, in  
7 the month of June 2004.

8 --o0o--

9 MR. STOLARSKI: So what are we working on now?  
10 Of course, the performance monitoring. We have per the  
11 interagency agreement different cycles of performance  
12 monitoring. That monitoring includes a visual. That's  
13 another good location, because it's a rural road. We can  
14 go out there during the daytime and get a maintenance lane  
15 closure and do the investigation that we need.

16 We also do other tests for performance. The  
17 materials testing is currently ongoing right now with the  
18 trans lab that I manage. And then we're comparing the  
19 results to other sites. We have other sites in the state  
20 that we're monitoring. We have several sites that  
21 specialize. We put these down two years ago with RAC  
22 pavements for a five-year warrantee. They were a special  
23 project that the Department wanted to do.

24 And then we also have other sites we're doing  
25 research on with the University at Berkeley, the Richmond

1 Field Station with the heavy vehicle simulator. It's a  
2 very heavy machine that literally pounds the pavement to  
3 death. Instead of 20 years, we can do it in three months'  
4 time. They're looking at different types of RAC  
5 pavements, just not here at Firebaugh. This is a very  
6 good site, because it's in situ testing.

7 CHAIRPERSON PEACE: It says you're going to be  
8 doing performance monitoring for how long?

9 MR. STOLARSKI: Once again, we have -- per the  
10 interagency agreement, we have it at one-, three-, and  
11 five-year intervals to do the performance evaluation.

12 --o0o--

13 MR. STOLARSKI: Any questions? I'll go on to the  
14 next, interagency agreement.

15 --o0o--

16 MR. STOLARSKI: This is the larger of the two --  
17 yes.

18 COMMITTEE MEMBER WASHINGTON: Just before you go  
19 on, highway 33 stretches up -- how far up does highway 33  
20 go into Southern California? Does it go through Ventura  
21 County? Do you know?

22 MR. STOLARSKI: I don't know.

23 COMMITTEE MEMBER WASHINGTON: All right. Thank  
24 you.

25 MR. STOLARSKI: I do know that if you're going to



1 go visit the site it's an all-day event. You leave at  
2 6:00 and you get back at 9:00.

3 This is the other interagency agreement, the more  
4 recent one. This is for a total of the \$1.7 million  
5 interagency agreement. And the question, why did Caltrans  
6 initiate the interagency agreement? We wanted to initiate  
7 it because we have a usage goal of 15 percent RAC within  
8 the Department. And that's just a minimum.

9 We also know that we have limitations to current  
10 RAC use. For example, right now Caltrans and throughout  
11 the state and local agencies, it's for rehabs only. Part  
12 of our task order -- one of our task orders, which I'll  
13 get into in a little bit, is to look at can we use rubber  
14 AC and fold that thickness?

15 The other Caltrans issues, are there limited  
16 climates? How thick can the layer be? Presently, we have  
17 a two-inch limit. Can we go thicker? That's why -- one  
18 of the reasons why at the Firebaugh site we put some  
19 sections down at three-and-a-half-inches thick. We want  
20 to determine will they run if they're thicker.

21 And how will RAC be rehabilitated? There's  
22 been -- RAC pavements have been recycled in the nation.  
23 We did one project in Caltrans that we are aware of -- and  
24 I say that we are aware of, because during the process of  
25 rehabilitation, if the documentation wasn't clear, we

1 might have torn up an AC rubber chip seal without knowing  
2 it and put something else on. That's one of the questions  
3 from the engineers within Caltrans, can it be recycled hot  
4 in place, cold in place? There's some new technologies  
5 out there. And also can it be recycled.

6 --o0o--

7 MR. STOLARSKI: So we have -- in this interagency  
8 agreement, we have three tasks. And we've worked with  
9 Waste Management Board's staff to develop the deliverables  
10 in each of these tasks. So we have a contract with the  
11 consultant MACTEC. We used a consultant we had on board  
12 within Caltrans, and we added these tasks to their current  
13 contract with Caltrans. And it was within the scope of  
14 the contract that they had with us. So this was a good  
15 marriage of technology and the technical people behind.

16 So we have the project evaluation, product  
17 implementation. Take recommendations from number one and  
18 set up experiments, test sections, prepare specs and set  
19 up pilot projects. The whole idea of implementing what we  
20 learned in our evaluation. And then, third, evaluate what  
21 went well and prepare specs and guidelines and training so  
22 we can use them in there also to team up with the Tech  
23 Centers both in north and south and deploy what we've  
24 learned, be they test methods, be they specifications or  
25 guidelines that were developed from the tasks.

1

2 MR. STOLARSKI: So our first Task 1 was the  
3 product evaluation. And that was the state of the  
4 practice. That state of the practice included a  
5 literature search and surveys of other users throughout  
6 the nation, recommended new uses. We delivered that to  
7 the consultant with our comments internally just the first  
8 week in January. So they're compiling the comments that  
9 they received throughout the state, and they'll be putting  
10 it in a final document and then will deliver that to folks  
11 here at the Waste Management Board.

Experimental design, what will be involved in evaluating existing sites. We have a new project in Mendocino County in District 1 where we have an opportunity. Once again, it is a project that was scheduled for conventional RAC, gap graded RAC. And we have an opportunity to modify the existing contract to place the pavements down and add some other test sections, similar to what we did at Firebaugh. So a different climate location.

21           And what do we need to do more of in our  
22 experimental design? This also includes beginning the  
23 discussion on using RAC in full depth thickness, not just  
24 in a rehab situation, but in full depth thickness.

25           The RAC recycling is also part of the feasibility

1 study in Task 1. That currently is in review. It's due  
2 back this Friday from an internal review from the pavement  
3 engineers throughout the state of California. And, you  
4 know, what test practices, what specs will we need so we  
5 can recycle RAC pavement successfully.

6 And then, lastly, lab field studies. This is the  
7 wet, dry, modified binder. This is doing new studies and  
8 also importantly gathering up all of these studies that  
9 have been done in the past and also currently being done  
10 right now through the University of Berkeley at the  
11 Richmond Field Station, so we have one central location  
12 where all this information can be gathered and we can look  
13 at it and evaluate, because we know RAC pavements do  
14 perform well. We're not conducting new research in the  
15 sense of trying to do something different, but let's  
16 deploy what we've learned from the past.

17 --o0o--

18 MR. STOLARSKI: Task 2 is the product  
19 implementation. We have some current RAC guidelines that  
20 we've distributed statewide and shared with the Tech  
21 Centers and local agencies. We're going to update those  
22 RAC guidelines with what we've learned so far. We want to  
23 update the design guidelines. And this is probably where  
24 we're hoping we can get the most bang for our buck in a  
25 sense. If we can use RAC full depth thickness, then we'll

1 use more tires.

2           Update specifications. Right now, the current  
3 specs within Caltrans are very method spec. They're more  
4 of a recipe to tell when you to add it, how much to add.  
5 Where we want to get to is more of an end result, a  
6 performance-related spec, a performance-based  
7 specification. That's what we did two years ago with the  
8 pavements with the five-year warrantee where we want --  
9 the forms we wanted for RAC pavement, no matter what you  
10 use; wet, dry, or modified binder. We don't want it to  
11 rut or crack. And that's where we want to go to on our  
12 specifications.

13           And also update maintenance guidelines, because  
14 right now rubber pavements are used for a lot of rehabs,  
15 rubberized AC chip seals. And that needs to be updated.

16           And then the recycle guidelines. We need to  
17 prepare some recycle guidelines that meet our current  
18 specifications and improved specifications. And all these  
19 items are scheduled to be delivered late 2005.

20                               --o0o--

21           MR. STOLARSKI: And, finally, Task 3 is the  
22 product deployment. This is important so that this  
23 information gets out to local agencies, to cities, to  
24 counties; so that Caltrans can show the way how to use  
25 RAC, improve the use of RAC, and use more RAC. We're

1 looking at some web-based training where CD ROMs can  
2 easily be shared with the Tech Centers. We're involving  
3 both Tech Centers in this part of this. We're looking at  
4 emphasizing where we can work jointly, we can work  
5 jointly. I often tell my staff, don't be original, be  
6 effective. Don't redo something that's out there. Use  
7 what's out there.

8           And we were looking at a user state conference,  
9 user group conference with the Federal Highway  
10 Association. We would include the three other large user  
11 states of RAC are Arizona, Texas, and Florida. And I want  
12 to back up. We had a users state meeting with Arizona,  
13 Texas, and Florida and our Caltrans RAC Task Group. The  
14 last bullet is have a user conference with the L.A. and  
15 Sac Tech Centers, and may also invite those other states  
16 to the user conference.

17                               --o0o--

18           MR. STOLARSKI: So our current status. Where are  
19 we at? We're looking at the recycled AC mix design, 15  
20 percent recycled. We have to look at where RAC can be a  
21 value added material in our current specifications. We're  
22 gathering RAC data from our past projects, as I mentioned  
23 earlier, the heavy vehicle simulator, the five-year  
24 warrantee, follow up on past investigations, modified  
25 binder design parameters to use thicker layers once again

1 in a full depth-section.

2 CHAIRPERSON PEACE: Can you go back to that  
3 five-year warrantee?

4 MR. STOLARSKI: We're gathering up -- we have  
5 five projects out there throughout the state that have a  
6 five-year warrantee on them. The specification we used  
7 was a performance specification for RAC. It was something  
8 new, something unique. And our director at that time also  
9 wanted to have a five-year warrantee on them. So there's  
10 five special projects out there that we wanted to use  
11 rubberized AC in. It could be wet process, modified  
12 binder, or it could be the dry. And we are monitoring the  
13 performance of all those five projects. Those are special  
14 projects that the Department did two years ago.

15 CHAIRPERSON PEACE: You wouldn't have done the  
16 projects unless you got the five-year warrantee?

17 MR. STOLARSKI: Well, the genesis of those  
18 projects were when Tony Harris was our Chief Deputy, he  
19 was getting a lot of comments about how wet process is  
20 better than dry and how modified binder is better than wet  
21 and vice versa. So he gathered up several engineers,  
22 including myself, managers, and said, "I want a  
23 specification that levels the playing field. I just want  
24 a rubberized AC pavement that doesn't crack, rut, bleed,  
25 or anything. And I want a five-year warrantee on it."

1 That was our charge from exec manager. That was the  
2 genesis of these projects. And that was a very special  
3 instance for putting on a five-year warrantee on rubber AC  
4 pavements.

5 CHAIRPERSON PEACE: You don't have any sort of  
6 five-year warrantee on your regular asphalt concrete?

7 MR. STOLARSKI: No. Madam Chair, we don't. But  
8 the Department is looking at, once again, getting out of  
9 the prescriptive business of telling people how to do  
10 things and getting into the managing oversight of  
11 performance so that we are looking at warrantees and other  
12 elements in transportation. We're looking at modifying  
13 our current specifications for conventional AC and  
14 potentially warranting those mixes that are conventional.

15 And then we're looking at new design parameters  
16 for new construction. And then once again, we're planning  
17 test sections in Mendocino County.

18 --o0o--

19 MR. STOLARSKI: Any questions?

20 CHAIRPERSON PEACE: So you're saying all these  
21 things that you talked about, we should have the results  
22 by the end of this year?

23 MR. STOLARSKI: Right. By October of 2005, we'll  
24 be completed with the tasks. So I can come back at that  
25 time and give you a report on that.



1           CHAIRPERSON PEACE: Okay. Sounds good. We do  
2 have a speaker, Mr. Leveille.

3           MR. LEVEILLE: Madam Chair and Committee members,  
4 Terry Leveille for TL and Associates. And I just want to  
5 thank Phil. He's been a champion of asphalt rubber for a  
6 long time. He spoke at the last Tire Recycling  
7 Conference. And we'd like to see more of those kinds of  
8 people in Caltrans.

9           And in speaking on behalf of the BAS Recycling,  
10 which is one of the foremost crumb rubber processors in  
11 California, my only question is -- you know, I mean, this  
12 is a really good project, these contracts. And, you know,  
13 I know they're kind of geared toward local government and  
14 spreading the word. Maybe Phil might be able to enlighten  
15 us a little about the spreading the word among the  
16 regional directors, the regional districts in Caltrans.  
17 Because that's been one of the stumbling blocks as far as  
18 the agency itself. And I know that Caltrans from the  
19 central headquarters they've been trying to rectify this.  
20 But it does seem to be a constant sort of thorn in the  
21 sides of those that advocate asphalt rubber. That's all I  
22 wanted to say.

23           MR. STOLARSKI: Yes, Terry, I could answer that  
24 question. Our exec management last fiscal year put out a  
25 letter to all the district directors within Caltrans

1 stating that if a rehab strategy is chosen that is not  
2 rubberized AC, that they have to explain the reasons why.  
3 They have to do a project change request to change the  
4 request from RAC to conventional open-graded whatever they  
5 decided to use. So that's one area that we're addressing  
6 that.

7 In addition, I meet quarterly with the -- what we  
8 call our district materials engineers. And we meet with  
9 them to discuss the use of RAC. And one of the success  
10 stories is actually Mendocino County. The last RAC  
11 project in District 1 was 1994. So they chose RAC in this  
12 location in Mendocino County.

13 So the issue is to keep it on the that radar  
14 screen. We have to get to the project managers on  
15 projects. We have to change our specifications. We have  
16 to change our guidelines, also give direction to those  
17 individuals, the project engineers, design engineers that  
18 RAC can be used and is a good value-added product where  
19 appropriate. And we're getting that message out.

20 CHAIRPERSON PEACE: It says in your report that  
21 your usage goal is 15 percent RAC. I was given some list  
22 of projects that Caltrans was doing, and it amounted to  
23 about 26 percent.

24 MR. STOLARSKI: Right. Last fiscal year.

25 CHAIRPERSON PEACE: Is that still the case that

1 you're planning to use close to 26 percent?

2 MR. STOLARSKI: Once again, I don't have any  
3 potential projected usage goals for fiscal year -- for  
4 this current fiscal year, 04-05 that we're in, and then  
5 next fiscal year. It depends on which projects get  
6 approved by the CTC. And we don't know yet. We're  
7 currently going through right now our four-year shop cycle  
8 and transportation and the stip cycle. So we don't know  
9 yet what projects will be in the delivery plan.

10 CHAIRPERSON PEACE: So after this usage study is  
11 complete at the end of the year, do you see any  
12 possibility of Caltrans raising their usage goal?

13 MR. STOLARSKI: We've had discussions with our --  
14 we had a statewide Steering Committee about increasing  
15 that 15 percent to something higher. There's been  
16 discussion about that. But I don't have anything to say  
17 what that percentage will be. But I can bring that back  
18 to the exec management at Caltrans. And the exec  
19 management at Caltrans is very user friendly to rubber AC,  
20 and I know our new director is, too.

21 CHAIRPERSON PEACE: Yes. Okay.

22 COMMITTEE MEMBER MOULTON-PATTERSON: I just  
23 wanted to say how much I appreciate your report. It's  
24 been very helpful. As you probably know, we've all worked  
25 with Caltrans for a long time. And it's nice to see

1 things really moving along and have a new director now.

2 And so that's encouraging. Thank you.

3 CHAIRPERSON PEACE: We have another speaker,  
4 Michael Blumenthal.

5 MR. BLUMENTHAL: Michael Blumenthal, Rubber  
6 Manufacturers Association.

7 I have a question for Mr. Stolarski in regard to  
8 increasing the lift thickness using RAC. In the past the  
9 argument has been that RAC was too expensive and that the  
10 benefit of RAC was that you could use a reduced lift  
11 thickness and get equal or better results than  
12 conventional pavements.

13 If you're going to increase the amount of RAC,  
14 say, to full lift thickness three, three-and-a-half  
15 inches, are you guys going to do any kind of cost  
16 evaluation? Because one of the major complaints we've  
17 heard in the past, one of the obstacles RAC has had to  
18 face is that it would double the cost of paving the roads,  
19 even though RAC is only 15 to 18 percent of the asphalt  
20 binder, which is, what, 6 to 8 percent of the road itself.  
21 So will Caltrans do any cost evaluations when they go to  
22 the full lift thickness?

23 MR. STOLARSKI: Mike, yes. In the Task 1 in the  
24 state of the use of scrap tire, that's part of the  
25 experimental design, to look at life cost cycle analysis.

1 CHAIRPERSON PEACE: Whole life.

2 MR. STOLARSKI: Life cycle.

3 CHAIRPERSON PEACE: Not just installation, but  
4 life cycle.

5 MR. STOLARSKI: Right. But also in the Task 2 in  
6 the experimental design, that is being considered by the  
7 engineers.

8 MR. BLUMENTHAL: Very well. Thank you.

9 CHAIRPERSON PEACE: Okay. Staff have any other  
10 questions of Phil while we have him here? No. Is there  
11 any more questions?

12 I don't know if you're the one to ask or not, but  
13 the Rubber Pavements Association had asked if they could  
14 do some of their workshops in the Caltrans labs. I think  
15 Mr. Iwasaki had said that would be fine. How do we go  
16 about making sure that that's -- that we can do that? Or  
17 would I need to ask somebody else?

18 MR. STOLARSKI: No. I could be the tip of the  
19 spear on that. Sure. We have a large auditorium and  
20 trans lab. And we have district labs that have areas  
21 where we hold meetings. We've done that in the past, had  
22 state facilities. But we can do that. So --

23 CHAIRPERSON PEACE: You're agreeable to that?

24 MR. STOLARSKI: Yeah.

25 CHAIRPERSON PEACE: So I guess probably do we

1 need just a letter saying that is okay to you, if we  
2 wanted to schedule some of the workshops at your lab?

3 MR. STOLARSKI: Yeah. I can do that.

4 CHAIRPERSON PEACE: Do we need anything more than  
5 that?

6 SUPERVISOR FUJII: That needs to come -- do we  
7 set that directly with the RPA, or you want us to be the  
8 steward on that one and coordinate that?

9 CHAIRPERSON PEACE: Yeah.

10 SUPERVISOR FUJII: We can certainly do that.  
11 We'll work with Phil to get that done.

12 CHAIRPERSON PEACE: Any other questions?

13 MR. LEVEILLE: Just one more comment. Terry  
14 Leveille again.

15 I just talked with Assemblymember Levine. He is  
16 planning to reintroduce 338 again this year. It's going  
17 to be the same number, too, with the same type of thing,  
18 hoping they can get from the Legislature their spur on  
19 Caltrans and hoping they can overcome the Governor's  
20 concerns about violating the international trade  
21 agreements and the like. So it hasn't been introduced  
22 yet, but it will be by probably early February.

23 CHAIRPERSON PEACE: Okay. And also I don't know  
24 if you're the one that would know about this either, but  
25 I'm going to ask it anyway. In SB 876, it does say, "On

1 or before January 1st of every year, the Department of  
2 Transportation reports to the Legislature and the Board on  
3 the use of waste tires in transportation, civil  
4 engineering projects during the previous five years,  
5 including, but not limited to, the approximate number of  
6 tires used every year and the type and types and the  
7 location of these projects." Do you know anything about  
8 that?

9 MR. STOLARSKI: Yes. That's out of our Division  
10 of Design Division Chief, and Linda Fong is responsible  
11 for that report.

12 CHAIRPERSON PEACE: So is it out then already for  
13 this year?

14 MR. STOLARSKI: I could check on that. I haven't  
15 checked the website. I know it's posted on the website.  
16 I can ask Linda.

17 CHAIRPERSON PEACE: If you could, then let me  
18 know when it's out there and how I get to it on the  
19 website.

20 Do you already know that, Bob?

21 SUPERVISOR FUJII: We did receive the 2003  
22 report. I don't believe we've received the 2004 report.  
23 As I recall, the 2003 report came in around this time last  
24 year. So it's probably due real soon, but we'll follow up  
25 on that.

1           CHAIRPERSON PEACE: When you get it, if you could  
2 let me know it's out there. Thank you.

3           SUPERVISOR FUJII: Will do.

4           CHAIRPERSON PEACE: Anything else? I guess this  
5 meeting is adjourned.

6           (Thereupon the California Integrated Waste  
7 Management Board, Special Waste Committee  
8 adjourned at 11:07 p.m.)

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13 IN WITNESS WHEREOF, I have hereunto set my hand  
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